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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,356	03/07/2001	Koichi Sato	10309	4886

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William C Roch Esq
Scully Scott Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530

EXAMINER

MISKA, VIT W

ART UNIT PAPER NUMBER

2841

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,356

Applicant(s)

SATO ET AL

Examiner

Vit W. Miska

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-45 is/are pending in the application.
- 4a) Of the above claim(s) 24-45 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-36, 40/33-44/33 is/are allowed.
- 6) ☒ Claim(s) 24, 25, 27-29, 32, 37-39, 40/24-44/24, 40/29-44/29 is/are rejected.
- 7) ☒ Claim(s) 26, 30, 31 and 45 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/717,260.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 24, 25, 28, 37-39 and 40/24 are rejected under 35 U.S.C. 102(b) as being anticipated by the U.S. Patent to Shida et al ('401).
2. With respect to claim 24, Shida et al discloses a watch including power supply 23, oscillator circuit 16, drive pulse generator 17, drive motor 21 for driving a hand 22, drive circuit 19, drive circuit controlling means 18, means 24 for detecting a non-proper condition in which drive of the motor is not possible, means V_{comp} for instructing a change of a control mode to the drive circuit controlling means 18 in response to the non-proper condition detection signal, and for instructing circuit 18 to return to the original control mode if no non-proper condition detection signal is present.

3. With respect to the remaining claims, Shida et al discloses the claimed elements as follows:

claim 25, non-proper condition detecting means 24 detects power of the power supply 23;

claim 28, load compensation system with detector 20 for detecting rotation of the motor, compensation drive pulse P2 if non-rotation is detected, estimation of power level of power supply 23 by means 24;

claim 37, normal hand pulse generation means P1, and low voltage pulse generating means PD1-PD4;

claim 38, the low voltage pulse generating means generates a plurality of pulses, as shown in Fig. 7;

claim 39, the compensation circuit as noted with respect to claim 28, above and further, the compensation drive pulse includes a normal pulse generating means P2;

claims 40/24,41/24,42/24,43/24 and 44/24 , the control mode instructing means stops the control mode currently executed, changes to another mode and replaces the drive pulse with another drive pulse, as described at cols. 3-6, the power of power supply 23 changes with time, the power supply being a lithium or solar cell (col. 6, lines 27ff).

4. Claims 27, 29, 32, 40/29,41/29,42/29 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by the U.S. Patent to Kanno ('502).

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5. The reference discloses (claim 27): power supply 44, oscillator 1, drive pulse generating means 3-6, drive motors 17, 30, drive circuit 15, 28, drive circuit controlling means 7, 11, 18, means 31 for detecting non-proper condition of the of drive motor 30, means 35 for instructing a change of control mode in response to detection signal from means 31, and returning to the original control mode if detection signal from 31 is no longer present, means 31 monitors rotation of second motor 30 and means 35 instructing a change in the control mode of first motor 17 in response to detection signal from means 31, (claims 29 and 32) normal hand drive pulse generation circuit 3, non-normal hand drive pulse generating circuit 4, instructing means 35 instructing the drive circuit to prohibit generation of the non-normal pulse of the first motor (i.e. stop rotation of the second hand, col. 9, line 56), (claims 40/29, 41/29, 42/29 and 43/29) the instructing means stops the current mode, changes the mode to a other mode and replaces the drive pulse.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 44/29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno ('502) in view of Shida et al ('401). The use of a specific type of battery 44 in Kanno would be an obvious matter of choice to one skilled in the art, any number of such suitable power sources being available. Shida et al teaches the use of lithium and solar cells in a timepiece. One skilled in the art would thus have a suggestion of using either one of these in the timepiece of Kanno.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 36, 38 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 36 sets forth the compensation pulse being supplied when "the load compensation circuit control system is stopped". It cannot be seen how the compensation pulse may be generated when the compensation circuit is stopped. Applicant should point to an embodiment described in specification and clarify the language.

9. In claim 38 the "at least one of said means" does not do not correspond to the Markush group of claim 37 to which it refers. Claim 39 contains similar language and is likewise indefinite.

Allowable Subject Matter

10. Claims 33-35, 40/33-44/33 are allowed.

11. Claims 26,30,31 and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 703-308-3096. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 703-308-3121. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.



Vit Miska
Primary Examiner

VM
June 28, 2002